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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,781	02/24/2004	Gerhard D. Klassen	16813-IUS	2200
20/988 7590 04/04/2008 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA				
EXAMINER				
HEFFINGTON, JOHN M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,781

Applicant(s)

KLASSEN ET AL.

Examiner

JOHN M. HEFFINGTON

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to amendment filed 9 August 2007. Claims 1-20 have been canceled. Claims 21-41 have been added. Claims 21-41 are pending and have been considered below.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 January 2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 28 January 2008 have been fully considered but they are not persuasive.

With respect to the amendments of claims 21 and 33, that applicant argues that Salmimaa (US 2002/0160817 A1) does not disclose

- a. a wireless communication device having a small screen with a status portion for displaying wireless communication device status information, and
- b. each application icon being invokable to launch its respective application.

The examiner respectfully disagrees. Salmimaa discloses a Nokia 9210 Communicator. The Nokia 9210 Communicator is a wireless communication with a small screen with a status portion for displaying wireless communication device status information (paragraph 0024, http://www.nokia.com/EUROPE_NOKIA_COM_3/r2/support/tutorials/9210i/english/intro.html, page 11, Nokia 9210i Communicator). Further, Salmimaa discloses that selecting an icon may launch its respective application (paragraph 0038).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-24, 29, 30, 33, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Salmimaa (US 2002/0160817 A1).

Claim 21: Salmimaa discloses

- a. a method for providing notifications of new events on a wireless communication device having a small display (paragraphs 0024, 0026, figure 4),

- b. the wireless communication device having a graphical user interface 'GUI' displayed on a display of the wireless communication device (paragraph 0024, figure 1),
- c. the GUI having a main screen comprising an application portion for displaying icons for respective applications for execution on the wireless communication device (paragraph 0009, figure 1),
- d. and a status portion for displaying wireless communication device status information (paragraph 0024, http://www.nokia.com/EUROPE_NOKIA_COM_3/r2/support/tutorials/9210i/english/intro.html, page 11, Nokia 9210i Communicator)
- e. the method comprising: providing on the main screen and in the application portion a plurality of application icons each representing an application for managing respective events on the wireless device and each being invocable to launch its respective application (paragraphs 0009, 0024, 0026, 0038, figure 1),
- f. the application icons occupying a major portion of the main screen (paragraphs 0009, 0024, figure 1); and
- g. in response to a new event in respect of one of the applications, visually modifying the respective application icon in the application portion of the main screen to notify of the new event (paragraph 0013, 0027); wherein
- h. the application icons are maintained on the main screen continuously (paragraphs 0009 and 0024).

Claim 33: Salmimaa discloses

- a. a graphical user interface 'GUI' for a wireless communication device (paragraph 0024, figure 1)
- b. having a controller coupled to a memory (figure 4),
- c. the memory storing a plurality of applications for managing respective events (paragraph 0009, figure 4),
- d. the graphical user interface 'GUI' being provided for the applications and displayed on a display (paragraphs 0009, 0024, 0026, figure 1) , the GUI comprising:
 - e. a main screen for displaying on the display, the main screen comprising an application portion for displaying a plurality of application icons associated with a respective application in the plurality of applications and each being invokable to launch its respective application (paragraphs 0009, 0024, 0026, 0038, figure 1),
 - f. the application icons occupying a major portion of the main screen (paragraphs 0009, 0024, 0026, figure 1);
 - g. and a status portion for displaying wireless communication device status information (paragraph 0024,
http://www.nokia.com/EUROPE_NOKIA.COM_3/r2/support/tutorials/9210i/english/intro.html, page 11, Nokia 9210i Communicator)
- h. at least one monitoring component to determine the occurrence of new events of the applications (paragraphs 0009, 0024, 0026, figure 1); and

- i. at least one icon modifying component to visually modify at least one of the application icons in the application portion of the main screen in response to a new event in respect of at least one of the applications to notify of the new event (paragraph 0013, 0027, figure 4); wherein
- j. the application icons are maintained on the main screen continuously (paragraphs 0009 and 0024).

Claims 22 and 38: Salmimaa discloses a method and GUI as in claims 21 and 33 and and further discloses an application launcher that launches an application associated with a selected icon in response to further user input (paragraph 0038).

Claim 23: Salmimaa discloses a method of claim 21 featuring an icon of a user more prominently when an email from that user is received, i.e. monitoring for new email messages (events) (paragraph 0045).

Claim 24: Salmimaa discloses a method of claim 21 modifying application icons in response to the messages (paragraph 0013), thereby determining which modification should be made to the icon.

Claim 29: Salmimaa discloses a method of claim 21 for an application launcher that launches an application associated with a selected icon in response to further user input, for example, a web browser or a document (paragraph 0038).

Claims 30 and 39: Salmimaa discloses a method and a Graphical User Interface (GUI) for a mobile terminal of claims 21 and 33 that includes a microprocessor and a memory that communicates with one or more content providers via a wireless means (paragraph 0034).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25-28, 31, 32, 34-37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa (US 2002/0160817 A1) in view of Hellebust (US 2005/0248437 A1).

Claims 25 and 34: Salmimaa discloses a method and a graphical user interface (GUI) modifying application icons in response to the messages (paragraph 0013) as in claims 24 and 33above, thereby determining which modification should be made to the icon, but does not disclose keeping a count of the number of messages received for each icon. Hellebust discloses a method showing the number of messages received under each of the categories (paragraph 0017). Therefore, it would have been obvious to one having ordinary skill in the art for Salmimaa to include a message count for each icon.

One would have been motivated to include a message count for each icon to count the number of messages associated with each icon that have the same profile.

Claims 26 and 35: Salmimaa discloses a method and GUI of a mobile terminal of claims 21 and 33 receiving messages (paragraph 0026) and modifying application icons in response to the messages (paragraph 0013) as in claims 1 and 12 above, but does not disclose a method of displaying a preview of content of a new event. Hellebust discloses a method for the display of the wireless device to be updated to reflect that a new message has arrived by displaying the actual message (paragraph 0011).

Therefore, it would have been obvious for to one having ordinary skill in the art for Salmimaa to include a view of the actual message for an icon when a new message arrives. One would have been motivated to display the actual message for an icon when a new message arrives in order to display the content of the message rather than just the modification of the icon.

Claims 27 and 36: Salmimaa discloses a method and GUI of a mobile terminal of claims 26 and 35 receiving messages (paragraph 0026) and modifying application icons in response to the messages (paragraph 0013) and Hellebust discloses a method for the display of the wireless device to be updated to reflect that a new message has arrived by displaying the actual message (paragraph 0011) as in claims 6 and 12 above. Salmimaa further discloses a method of an application launcher that launches an

application associated with a selected icon in response to further user input (paragraph 0038).

Claim 28 and 37: Salmimaa and Hellebust disclose a method and GUI of claims 27 and 36 for receiving messages (Salmimaa, paragraph 0026), modifying application icons in response to the messages (Hellebust, paragraph 0013) and an application launcher that launches an application associated with a selected icon in response to further user input (Salmimaa, paragraph 0038) as in claim 7 above, but do not disclose displaying a content preview in a dialog box. A dialog box is a very common way to display information separately from another window at the time of the invention. Therefore, it would have been obvious for Salmimaa and Hellebust to display a preview of content in a dialog box. One would have been motivated to display a preview of content in a dialog box in order to maximize display space by displaying separate information over other information, therefore adding a third dimension of display space.

Claims 31 and 40: Salmimaa discloses the method and GUI of claims 21 and 33, but does not disclose in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events. However, Salmimaa discloses modifying icons according to messages that come in from outside sources, for example, email messages, price or location (paragraphs 0003, 0026, 0027) and Hellebust discloses keeping count of messages received in each category (0017). Therefore, it would have been obvious to one having ordinary skill in

the art at the time of the invention to add in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events to Salmimaa. One could have been motivated to add in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events to Salmimaa because an email application may receive a plurality of email messages or a single icon more than one or more context messages, i.e. price and location. Therefore, an icon may be modified to display the count of email messages or the plurality of messages received concerning, for example, price or location.

Claims 32 and 41: Salmimaa and Hellebust discloses the method and GUI of claims 31 and 40 and further discloses visually modifying the icon of the one application in the application portion comprises displaying a preview of a new event (Salmimaa: paragraphs 0026, 0013, Hellebust: paragraph 0011), but does not disclose visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to add visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events to Salmimaa and Hellebust. One could have been motivated to add visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events to Salmimaa and Hellebust because if Salmimaa and

Hellebust disclose visually modifying the icon of the one application in the application portion comprises displaying a preview of a single new event, then Salmimaa and Hellebust could visually modifying the icon of the one application in the application portion comprises displaying a preview of a plurality of new events.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2179

JMH

/Ba Huynh/

Primary Examiner, Art Unit 2179